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January 13, 2020

VIA ECF

The Honorable Jesse M. Furman, U.S.D.J.
U.S. District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

Re: ***Yovanny Dominguez v. The Cheesecake Factory Restaurants, Inc.***
Case No. 1:19-cv-10335 (JMF) (RWL)

Dear Judge Furman:

This Firm represents Defendant, The Cheesecake Factory Restaurants, Inc. (“Defendant”) in the above-referenced action.

Pursuant to your Honor’s Individual Rules of Practice, we write to respectfully request that Defendant’s deadline for participating in the Court ordered Mediation Program either be extended, or in the alternative, excused. The parties have engaged in private settlement discussions, and do not believe that mediation will be necessary, productive or an appropriate use of resources at this point. To the extent the parties are able to settle, the parties believe that they can do so privately, and thus, request permission to be excused from the Mediation Program.

To the extent the parties are unable to settle, Defendant plans to file a Motion to Dismiss, the deadline for which is January 27, 2020, pursuant to Your Honor’s December 10, 2019 Order. Dkt. No. 9. The current deadline for the parties to complete mediation is January 29, 2020. As such, the parties respectfully request that, to the extent the Court does not excuse the parties from participating in the Mediation Program, it stay mediation pending the outcome of Defendant’s anticipated Motion to Dismiss.

Likewise, the parties respectfully request that the initial pre-trial conference (the parties’ next scheduled appearance in front of the court), which is scheduled for February 12, 2020 (Dkt. No. 5) be adjourned pending the outcome of Defendant’s anticipated Motion to Dismiss in order for the parties and the Court to avoid spending time and resources on a case that may, ultimately, be dismissed.

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This is the first request for an adjournment of both the Mediation Program completion date and the initial pre-trial conference. The parties have conferred, and Plaintiff's counsel consents to this request.

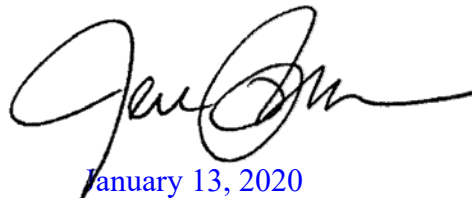
We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Amanda L. Van Hoose Garofalo
Amanda L. Van Hoose Garofalo

cc: All counsel of record (via ECF)

By separate Order signed today, the Court will withdraw the reference to the Mediation Program. The Court's Order that the parties participate in mediation, *see* ECF No. 5, is VACATED. The parties' request to adjourn the initial pretrial conference, currently scheduled for February 12, 2020, is DENIED. In the event that Defendant files a motion to dismiss, the Court may adjourn the conference at that time. The Clerk of Court is directed to terminate ECF No. 10. SO ORDERED.



January 13, 2020